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MEMORANDUM

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TO: Chief, Dockets Division

APR 22 1993

FROM: Associate General Counsel, Litigation Division

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SUBJECT: Century Communications Corp. and Daniels Cablevision, Inc. v. FCC & USA, No. 93-1254. Filing of a new Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: April 8, 1993

Docket No(s). MM Docket 92-266

File No(s).

This is to advise you that on April 2, 1993, Century Communications Corp. and Daniels Cablevision, Inc., filed with the United States Court of Appeals for the District of Columbia Circuit a:

X Section 402(a) Petition for Review
___ Section 402(b) Notice of Appeal

of the following FCC decision: In the Matter of Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, FCC 93-176, released April 1, 1993. Petitioners challenge the Order in which the Commission has ordered a freeze on the terms and conditions pursuant to which cable television operators, including petitioners, may offer their communications and communicative services to the public.

Due to a change in the Communications Act, it will not be necessary to notify the parties of this filing.

The Court has docketed this case as No. 93-1254 and the attorney assigned to handle the litigation of this case is Laurence N. Bourne.

Daniel M. Armstrong

cc: General Counsel
Office of Public Affairs
Shepard's Citations

The grounds on which petitioners seek relief are that
the subject freeze order:

1) Exceeds the jurisdiction and authority of the Commission as explicitly limited by the First Amendment to the U.S. Constitution;

2) violates the Speech and Press Clause of the First Amendment to the U.S. Constitution by unlawfully abridging the constitutionally protected freedoms of petitioners and others;

3) constitutes an unlawful taking of petitioners' property without just compensation in violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

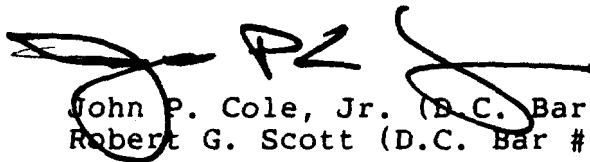
4) exceeds the statutory jurisdiction of the Commission; and,

5) is otherwise arbitrary and capricious.

Petitioners pray that the Commission's Order and those regulations adopted thereby be declared unlawful, enjoined, vacated and suspended. Petitioner Daniels Cablevision, Inc. has applied below for a stay of the effective date of the contested

action pendente lite and will, if there unsuccessful, seek such relief in this Court.

Respectfully submitted,



John P. Cole, Jr. (D.C. Bar #2436)
Robert G. Scott (D.C. Bar #419559)

Attorneys for Petitioners:
CENTURY COMMUNICATIONS CORP., and
DANIELS CABLEVISION, INC.

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April 2, 1993